

Remarks

The Examiner has rejected claims 53,54,55 and 60 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,893,964 (964) in view of U.S. Patent No. 5,308,426 (426) both to Claveau.

Brief telephone interviews were conducted between William Collard and Examiner Lorengo on Thursday October 28, 2004, Monday November 1, 2004, and Tuesday November 2, 2004 wherein the subject matter of these brief telephone interviews are hereby incorporated into this amendment and the following arguments.

Claims 53-61 have been canceled without prejudice.

New claims 62-70 were introduced in the amendment filed on August 24, 2004.

Claims 62 and 70 have been subsequently amended while new independent claims 71-74 have been added.

Claim 62 is presented wherein independent claim 62 recites that the process "consists" of the steps in sequence.

These steps do not include inserting the artefact into an additional envelope as disclosed by the '964 patent and in the '426 patent.

For example, the '964 patent shows in FIG. 3 enclosing the transfer support and the artefact with an additional outer shell or envelope.

This feature or step is not in claim 62.

The process of claim 62 is therefore an improvement over the above cited references because it presents a streamlined process for applying treating or coating artefacts or articles in a more efficient and economical manner.

The '426 patent recites using a transfer support in conjunction with an additional sublimating machine which has been referenced in US patent application serial no 07/674,452 (See also FR 90.04488). In particular, a passage in column 2, of the '426 reference states

"The extensible material is applied without folds or

creases on the object when the sublimating machine a described in Applicants aforementioned application is placed in a vacuum".

This reference to the earlier application is to U.S. Patent Application 07/674,422 (FR 90.04488) (should have been stated as 07/674,452). U.S. Patent Application serial no. 07/674,452 also relates to reference FR 90.04488 which has been previously submitted. U.S. Patent Application serial no. 07/674,452 (FR 90.04488) has been ordered and will be submitted in due course. In both of those references, the process includes first wrapping the artefact in the transfer support and then enveloping the artefact and the transfer support in a vacuum chamber which includes an additional outside envelope which is separate from the transfer support. The additional outside envelope applies pressure to the transfer support so that the ink on the transfer support can be applied to the artefact.

It is respectfully submitted that the '426 patent reference to U.S. application serial no. 07/674,452 (See FR 90.04488) means that the entire process of the '426 patent reference would include submitting the transfer support and the artefact into this vacuum machine of application 07/674,452 (FR 90.04488) because this is the only example that enables this process.

Therefore, in both the '964 patent and the '426 patent the only process for transferring an ink from a transfer support involves using an outside envelope covering the transfer support and applying external pressure to the transfer support. The present invention as claimed in claim 62 does not include this additional unnecessary outer envelope.

Furthermore, the process as claimed in claim 62 differs from the above references because it includes the following passage:

"and wherein during said sucking step, said envelope comprises an inner side contacting said object and an outer side contacting an external environment surrounding said envelope."

This feature is not disclosed by either the '426 patent or the '964 patent. The open and exposed outer surface of the envelope formed from only the transfer support allows for an even heating of this outside surface along with a clear outside view of the ink to be sublimated.

Because claim 62 does not include the above mentioned additional step, and because claim 62 has the feature that the envelope has an outer side contacting an external environment, it is respectfully submitted that claim 62 is patentable over the

above references taken either singly or in combination.

In addition, because claims 63-69 depend from claim 62, it is respectfully submitted that these claims are also patentable over the references cited taken either singly or in combination.

Claim 70 relates to the apparatus which uses only a transfer support. In this case, there is no additional sublimating machine as referenced in the '426 patent and also shown in the '964 patent. Therefore, the applicant believes that this claim is patentable over the above cited references taken either singly or in combination.

Claim 71 relates to a method for using a "gas-tight thermoformable transfer support". Both the 426 patent and the 964 patent do not disclose using a "gas-tight thermoformable transfer support". By using a "gas tight thermoformable transfer support" the method under claim 71 does not need any additional steps such as inserting the transfer support and the artefact into a separate sublimating machine as referenced in the '426 patent and disclosed in the '964 patent. Therefore, it is respectfully submitted that claim 71 is patentable over the above cited references taken either singly or in combination.

In addition, because claim 72 relates to an apparatus using a gas-tight thermoformable transfer support as in claim 71, the applicant believes that claim 72 is patentable over the above cited references taken either singly or in combination.

Claim 73 relates to a process wherein "only" the transfer support applies pressure to the artefact to assist in sublimating the ink. This process is entirely different from the process disclosed in the '426 patent and the '964 patent. In particular, both the '426 patent and the '964 reference disclose using an external sublimating machine which includes an external envelope separate from the transfer support so that this separate envelope applies pressure to the transfer support so that through this pressure, the ink can be applied to the artefact.

In addition, the process as in claim 73 also includes the following feature:

"and wherein during said sucking step, said envelope comprises an inner side contacting said object and an outer side contacting an external environment surrounding said envelope."

In this case, the envelope in this claim is only comprised of the transfer support.

As disclosed in the '426 patent and the '946 reference, the sucking step involves enclosing the transfer support in an additional outer envelope so that the outer side of the transfer support in both of these references is not exposed to the external environment but instead in contact with the inner side of this additional envelope.

Therefore, for the above identified reasons, it is respectfully submitted that claim 73 is patentable over the above cited references taken either singly or in combination.

In addition, for the above reasons the applicant believes that claim 74 which relates to an apparatus which has a pressing means consisting of a transfer support is patentable as well.

Claims 62, and 70 have been amended. Claims 71-74 have been added. It is respectfully submitted that no new matter has been added. Accordingly, allowance of the remaining claims 62-74 is respectfully requested. In addition, the Commissioner is hereby authorized to charge Collard & Roe, P.C.'s deposit account of 03-2468 for a small entity for the additional three independent claims added in this amendment.

Respectfully submitted,
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I hereby certify that this correspondence is being sent by facsimile transmission to the U.S.P.T.O. to Patent Examiner J. LORENZO at Group No.1734, to 1-703-872-9306 on November 11, 2004.



William Collard

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